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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/673,516

09/30/2003

Sadato Imai

IMAI12

1654

1444

7590

01/24/2006

BROWDY AND NEIMARK, P.L.L.C.

624 NINTH STREET, NW

SUITE 300

WASHINGTON, DC 20001-5303

EXAMINER

WON, BUMSUK

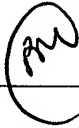
ART UNIT

PAPER NUMBER

2879

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/673,516	Applicant(s) IMAI ET AL.	
	Examiner Bumsuk Won	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed on 11/2/2005 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 7 and 9, the phrase "if the one light emitting surface ... the front light emitting part" fails to particularly point out and distinctly claim. It is confusing whether the Applicant is claiming the light shielding members are configured to shield top and bottom light emitting parts or not. Claims 8 and 10 are rejected based on their claim dependency. For examining purpose, the phrase "if the one light emitting surface ... the front light emitting part" will not have patentable weight due to its indefiniteness.

Claim 9 recites the limitation "the opposite sides" in line 28. There is insufficient antecedent basis for this limitation in the claim. It is confusing whether "the opposite sides" means the opposite side of the front light emitting part that faces the light receiving surface of the optical wave guide or both sides of the front light emitting part. For examining purpose, "the opposite sides" will be interpreted as the opposite side of

the front light emitting part where the light receiving surface of the optical wave-guide.

Claim 10 is rejected based on their claim dependency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parrika (US 6,392,342) in view of Apgar (US 3,694,902).

Regarding claim 7, Parrika discloses a light emitting diode (figure 3c), comprising: an element substrate (the outer periphery of BACK); a light emitting element (the rectangular shape of BACK, 301) mounted on the element substrate; a translucent sealing body (figure 3b, 303) for sealing the light emitting element and having a plurality of light emitting surfaces (figures 3a and 3b) capable of emitting light from the light emitting element in X, Y, and Z axial directions (column 3, lines 24-47).

Parrika does not disclose a light shielding member configured to shield all light emitting surfaces in one of the three X, Y and Z axial directions to emit light from surfaces in two axial directions selected from the three X, Y and Z axial directions.

Apgar discloses a light shielding member (figure 5, side surface (21)) configured to shield all light emitting surfaces in one of the three X, Y and Z axial directions to emit light from surfaces (front surface (26) and top surface (not referenced, the texture of the

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this surface is same as the front surface, while side surface (21) has different texture)) in two axial directions selected from the three X, Y and Z axial directions, for the purpose of improving light reflection and visual impact (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a light shielding member configured to shield all light emitting surfaces in one of the three X, Y and Z axial directions to emit light from surfaces in two axial directions selected from the three X, Y and Z axial directions disclosed by Apgar in the light emitting diode disclosed by Parrika, for the purpose of improving light reflection and visual impact.

Regarding claim 8, Parrika discloses the side light emitting parts incline inwardly (figure 3b).

Regarding claim 9, Parrika discloses a back light unit (figure 4), comprising: a substrate (401); a light emitting diode (402) mounted on a surface of the substrate; and an optical wave-guide (404) mounted on a surface of the substrate and having a light receiving surface (not referenced, vertical line which receives light from the light emitting diode) to face the light emitting diode for receiving light emitted from the light emitting diode, the light emitting diode including a light emitting element (figure 3c, the rectangular shape of BACK, 301) mounted on the substrate, a translucent sealing body (figure 3b, 303) for sealing the light emitting element and having a plurality of light emitting surfaces (figures 3a and 3b) capable of emitting light from the light emitting element in X, Y and Z axial directions (column 3, lines 24-47), wherein the front light emitting part (front part of the encapsulation of the light emitting diode in figure 3a which

is orthogonal to x-axis) faces the light receiving surface of the optical wave-guide and the side light emitting parts (side part of the encapsulation of the light emitting diode in figure 3a which are orthogonal to y-axis and D-shape) are disposed at the opposite sides of the front light emitting part.

Parrika does not disclose a light shielding member configured to shield all light emitting surfaces in one of the three X, Y and Z axial directions to emit light from surfaces in two axial directions selected from the three X, Y and Z axial directions.

Apgar discloses a light shielding member (figure 5, side surface (21)) configured to shield all light emitting surfaces in one of the three X, Y and Z axial directions to emit light from surfaces (front surface (26) and top surface (not referenced)) in two axial directions selected from the three X, Y and Z axial directions, for the purpose of improving light reflection and visual impact (abstract).

The reason for combining is the same as for claim 7 above.

Regarding claim 10, Parrika discloses the front light emitting part is formed from a surface generally parallel with the light receiving surface of the optical wave-guide (figure 2) and the side light emitting parts incline inwardly (figure 3b).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bumsuk Won whose telephone number is 571-272-2713. The examiner can normally be reached on Monday through Friday, 8:00 am to 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bumsuk Won
Patent Examiner


JOSEPH WILLIAMS
PRIMARY EXAMINER